

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

PUBLIC SERVICE COMPANY OF  
NEW MEXICO,

Plaintiff

v.

No. 1:15-cv-00501-MIS-DLM

APPROXIMATELY 15.49 ACRES OF LAND  
in McKinley County, New Mexico;  
UNITED STATES OF AMERICA, et al.,

Defendants.

Consolidated with

LORRAINE J. BARBOAN, et al.,

Plaintiffs,

No. 1:15-cv-00826-MIS/GJF

v.

PUBLIC SERVICE COMPANY OF  
NEW MEXICO, et al.,

Defendants.

**STIPULATED MOTION TO DISMISS**  
**DEFENDANT TRANSWESTERN PIPELINE COMPANY, LLC**

Defendant Transwestern Pipeline Company, LLC (“Transwestern”), by and through its counsel of record, Modrall Sperling (Lynn H. Slade and Deana M. Bennett), along with Plaintiff Public Service Company of New Mexico (“PNM”), by and through its counsel of record, Miller Stratvert P.A. (Kirk R. Allen and Elizabeth M. Reitzel) (collectively the “Parties”), and pursuant to Federal Rule of Civil Procedure 41(a)(2), jointly move this Court for an order dismissing Transwestern with prejudice from the above captioned case. As grounds for this motion, the Parties state that Transwestern filed a Notice of Disclaimer and Waiver of Notice on September

18, 2015 [Doc. No. 38]. Transwestern reaffirms that it has disclaimed any interest and waives notice as to all matters pertaining to this proceeding.

As required by the Federal District Court for the District of New Mexico Local Rules of Civil Procedure, Rule 7.1(a), the Parties sought the other parties' position on this motion. The United States, the Barboan Parties, and Continental Divide Electric Cooperative do not object to this motion.

Wherefore, the Parties respectfully request the Court issue an order dismissing Transwestern as a defendant in this case with prejudice. A proposed form of order is being sent to the Court's text inbox in conjunction with the filing of this motion.

Respectfully submitted this 5th day of July, 2023.

MODRALL SPERLING ROEHL HARRIS &  
SISK, P.A.

By: /s/ Deana M. Bennett

Lynn H. Slade

Deana M. Bennett

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*Attorneys for Transwestern Pipeline Company, LLC*

Approved By:

MILLER STRATVERT P.A.

*Via Electronic Mail on April 3, 2023*

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*Attorneys for Public Service Company of New Mexico*

**CERTIFICATE OF SERVICE**

This is to certify that on the 5th day of July, 2023, the foregoing was filed through the CM/ECF system, which will send notification of this filing to all parties who have registered to receive service under this system.

By: /s/ Deana M. Bennett